

E FILED ON 8/26/09
THOMAS E. CROWE, ESQ.
THOMAS E. CROWE PROFESSIONAL
LAW CORPORATION
7381 W. Charleston Blvd.
Suite 110
Las Vegas, Nevada 89117
(702) 794-0373
Attorney for Virginia Springall-Smith

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

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In re:

| | | |
|----------------------------|---|--------------------|
| THE RHODES COMPANIES, LLC, |) | BANKRUPTCY NUMBER: |
| |) | BK-S-09-14814-LBR |
| |) | Chapter 11 |
| |) | |
| Debtor. |) | Date: 10/2/09 |
| _____ |) | Time: 1:30 p.m. |

AMENDED MOTION FOR RELIEF FROM STAY

COMES NOW Virginia Springall-Smith [hereinafter "Movant"], by and through her attorney, THOMAS E. CROWE, ESQ., and moves this Honorable Court for an Order for Relief From Stay. This Motion is made and based upon the papers and pleadings on file herein, the Points and authorities attached hereto, and oral argument at the time of hearing.

DATED this 26th day of August, 2009.

THOMAS E. CROWE PROFESSION
LAW CORPORATION

/s/ THOMAS E. CROWE
THOMAS E. CROWE
State Bar No. 3048
7381 W. Charleston Blvd.
Suite 110
Las Vegas, NV 89117

POINTS AND AUTHORITIES

1. On or about March 31, 2009, the above-named Debtor filed a Chapter 11 Petition in Bankruptcy with this Court. Gung Co Concrete is the Debtor in a jointly administered Chapter 11 case entitled The Rhodes Companies, L.L.C., et. al., case No. 09-14814-LBR (Jointly Administered).

2. Movant is informed and believes, and, based upon such information and belief, alleges, that insurance proceeds independent of the Debtors are in existence to pay the claim of Movant from non-estate source. The claim is generated from an action pending in District Court, Clark County, Nevada, Case Number A-09-593034-C, Virginia Springall-Smith, an individual, and Shane Smith, an individual vs. Roberto Guzman-Lagunas, an individual; Gung-Ho Concrete, LLC, a Nevada corporation, a Nevada Corporation, DOES I through V, and ROE CORPORATIONS I through V, inclusive.

3. Movant requests the Court lift the stay to allow the District Court action against the Debtor to go forward to judgment or settlement with the understanding that no estate assets may be encumbered by such action, but that Movant may proceed against insurance proceeds independent of the estate and file a claim against Debtor for any unpaid judgment amount.

WHEREFORE, Movant prays judgment as follows:

1. For an Order lifting the stay to allow Movant to proceed against Debtor toward judgment or settlement with the understanding that no estate assets may be encumbered by such action, but that Movant may proceed against insurance proceeds independent of the estate and file a claim against Debtor for any unpaid judgment amount.

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2. For Attorney's fees and costs of suit incurred herein.
3. For such other and further relief as this Court may deem necessary.

DATED this 26th day of August, 2009.

THOMAS E. CROWE PROFESSIONAL
LAW CORPORATION

By /s/ THOMAS E. CROWE
THOMAS E. CROWE, ESQ.
7381 W. Charleston Blvd.
Suite 110
Las Vegas, NV 89117
Attorney for Movant

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